



Sen. Bill Cunningham

**Filed: 3/8/2016**

09900SB3160sam001

LRB099 20585 AXK 45706 a

1 AMENDMENT TO SENATE BILL 3160

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3160 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by  
5 changing Sections 6-205, 6-206, and 6-208 as follows:

6 (625 ILCS 5/6-205)

7 Sec. 6-205. Mandatory revocation of license or permit;  
8 Hardship cases.

9 (a) Except as provided in this Section, the Secretary of  
10 State shall immediately revoke the license, permit, or driving  
11 privileges of any driver upon receiving a report of the  
12 driver's conviction of any of the following offenses:

13 1. Reckless homicide resulting from the operation of a  
14 motor vehicle;

15 2. Violation of Section 11-501 of this Code or a  
16 similar provision of a local ordinance relating to the

1 offense of operating or being in physical control of a  
2 vehicle while under the influence of alcohol, other drug or  
3 drugs, intoxicating compound or compounds, or any  
4 combination thereof;

5 3. Any felony under the laws of any State or the  
6 federal government in the commission of which a motor  
7 vehicle was used;

8 4. Violation of Section 11-401 of this Code relating to  
9 the offense of leaving the scene of a traffic accident  
10 involving death or personal injury;

11 5. Perjury or the making of a false affidavit or  
12 statement under oath to the Secretary of State under this  
13 Code or under any other law relating to the ownership or  
14 operation of motor vehicles;

15 6. Conviction upon 3 charges of violation of Section  
16 11-503 of this Code relating to the offense of reckless  
17 driving committed within a period of 12 months;

18 7. Conviction of any offense defined in Section 4-102  
19 of this Code;

20 8. Violation of Section 11-504 of this Code relating to  
21 the offense of drag racing;

22 9. Violation of Chapters 8 and 9 of this Code;

23 10. Violation of Section 12-5 of the Criminal Code of  
24 1961 or the Criminal Code of 2012 arising from the use of a  
25 motor vehicle;

26 11. Violation of Section 11-204.1 of this Code relating

1 to aggravated fleeing or attempting to elude a peace  
2 officer;

3 12. Violation of paragraph (1) of subsection (b) of  
4 Section 6-507, or a similar law of any other state,  
5 relating to the unlawful operation of a commercial motor  
6 vehicle;

7 13. Violation of paragraph (a) of Section 11-502 of  
8 this Code or a similar provision of a local ordinance if  
9 the driver has been previously convicted of a violation of  
10 that Section or a similar provision of a local ordinance  
11 and the driver was less than 21 years of age at the time of  
12 the offense;

13 14. Violation of paragraph (a) of Section 11-506 of  
14 this Code or a similar provision of a local ordinance  
15 relating to the offense of street racing;

16 15. A second or subsequent conviction of driving while  
17 the person's driver's license, permit or privileges was  
18 revoked for reckless homicide or a similar out-of-state  
19 offense;

20 16. Any offense against any provision in this Code, or  
21 any local ordinance, regulating the movement of traffic  
22 when that offense was the proximate cause of the death of  
23 any person. Any person whose driving privileges have been  
24 revoked pursuant to this paragraph may seek to have the  
25 revocation terminated or to have the length of revocation  
26 reduced by requesting an administrative hearing with the

1 Secretary of State prior to the projected driver's license  
2 application eligibility date;

3 17. Violation of subsection (a-2) of Section 11-1301.3  
4 of this Code or a similar provision of a local ordinance;

5 18. A second or subsequent conviction of illegal  
6 possession, while operating or in actual physical control,  
7 as a driver, of a motor vehicle, of any controlled  
8 substance prohibited under the Illinois Controlled  
9 Substances Act, any cannabis prohibited under the Cannabis  
10 Control Act, or any methamphetamine prohibited under the  
11 Methamphetamine Control and Community Protection Act. A  
12 defendant found guilty of this offense while operating a  
13 motor vehicle shall have an entry made in the court record  
14 by the presiding judge that this offense did occur while  
15 the defendant was operating a motor vehicle and order the  
16 clerk of the court to report the violation to the Secretary  
17 of State.

18 (b) The Secretary of State shall also immediately revoke  
19 the license or permit of any driver in the following  
20 situations:

21 1. Of any minor upon receiving the notice provided for  
22 in Section 5-901 of the Juvenile Court Act of 1987 that the  
23 minor has been adjudicated under that Act as having  
24 committed an offense relating to motor vehicles prescribed  
25 in Section 4-103 of this Code;

26 2. Of any person when any other law of this State

1 requires either the revocation or suspension of a license  
2 or permit;

3 3. Of any person adjudicated under the Juvenile Court  
4 Act of 1987 based on an offense determined to have been  
5 committed in furtherance of the criminal activities of an  
6 organized gang as provided in Section 5-710 of that Act,  
7 and that involved the operation or use of a motor vehicle  
8 or the use of a driver's license or permit. The revocation  
9 shall remain in effect for the period determined by the  
10 court.

11 (c) (1) Whenever a person is convicted of any of the  
12 offenses enumerated in this Section, the court may recommend  
13 and the Secretary of State in his discretion, without regard to  
14 whether the recommendation is made by the court may, upon  
15 application, issue to the person a restricted driving permit  
16 granting the privilege of driving a motor vehicle between the  
17 petitioner's residence and petitioner's place of employment or  
18 within the scope of the petitioner's employment related duties,  
19 or to allow the petitioner to transport himself or herself or a  
20 family member of the petitioner's household to a medical  
21 facility for the receipt of necessary medical care or to allow  
22 the petitioner to transport himself or herself to and from  
23 alcohol or drug remedial or rehabilitative activity  
24 recommended by a licensed service provider, or to allow the  
25 petitioner to transport himself or herself or a family member  
26 of the petitioner's household to classes, as a student, at an

1 accredited educational institution, or to allow the petitioner  
2 to transport children, elderly persons, or persons with  
3 disabilities who do not hold driving privileges and are living  
4 in the petitioner's household to and from daycare; if the  
5 petitioner is able to demonstrate that no alternative means of  
6 transportation is reasonably available and that the petitioner  
7 will not endanger the public safety or welfare; provided that  
8 the Secretary's discretion shall be limited to cases where  
9 undue hardship, as defined by the rules of the Secretary of  
10 State, would result from a failure to issue the restricted  
11 driving permit.

12 (1.5) A person subject to the provisions of paragraph 4  
13 of subsection (b) of Section 6-208 of this Code may make  
14 application for a restricted driving permit at a hearing  
15 conducted under Section 2-118 of this Code after the  
16 expiration of 5 years from the effective date of the most  
17 recent revocation, or after 5 years from the date of  
18 release from a period of imprisonment resulting from a  
19 conviction of the most recent offense, whichever is later,  
20 provided the person, in addition to all other requirements  
21 of the Secretary, shows by clear and convincing evidence:

22 (A) a minimum of 3 years of uninterrupted  
23 abstinence from alcohol and the unlawful use or  
24 consumption of cannabis under the Cannabis Control  
25 Act, a controlled substance under the Illinois  
26 Controlled Substances Act, an intoxicating compound

1 under the Use of Intoxicating Compounds Act, or  
2 methamphetamine under the Methamphetamine Control and  
3 Community Protection Act; and

4 (B) the successful completion of any  
5 rehabilitative treatment and involvement in any  
6 ongoing rehabilitative activity that may be  
7 recommended by a properly licensed service provider  
8 according to an assessment of the person's alcohol or  
9 drug use under Section 11-501.01 of this Code.

10 In determining whether an applicant is eligible for a  
11 restricted driving permit under this paragraph (1.5), the  
12 Secretary may consider any relevant evidence, including,  
13 but not limited to, testimony, affidavits, records, and the  
14 results of regular alcohol or drug tests. Persons subject  
15 to the provisions of paragraph 4 of subsection (b) of  
16 Section 6-208 of this Code and who have been convicted of  
17 more than one violation of paragraph (3), paragraph (4), or  
18 paragraph (5) of subsection (a) of Section 11-501 of this  
19 Code shall not be eligible to apply for a restricted  
20 driving permit.

21 A restricted driving permit issued under this  
22 paragraph (1.5) shall provide that the holder may only  
23 operate motor vehicles equipped with an ignition interlock  
24 device as required under paragraph (2) of subsection (c) of  
25 this Section and subparagraph (A) of paragraph 3 of  
26 subsection (c) of Section 6-206 of this Code. The Secretary

1           may revoke a restricted driving permit or amend the  
2           conditions of a restricted driving permit issued under this  
3           paragraph (1.5) if the holder operates a vehicle that is  
4           not equipped with an ignition interlock device, or for any  
5           other reason authorized under this Code.

6           A restricted driving permit issued under this  
7           paragraph (1.5) shall be revoked, and the holder barred  
8           from applying for or being issued a restricted driving  
9           permit in the future, if the holder is subsequently  
10          convicted of a violation of Section 11-501 of this Code, a  
11          similar provision of a local ordinance, or a similar  
12          offense in another state.

13          (2) If a person's license or permit is revoked or  
14          suspended due to 2 or more convictions of violating Section  
15          11-501 of this Code or a similar provision of a local  
16          ordinance or a similar out-of-state offense, or Section 9-3  
17          of the Criminal Code of 1961 or the Criminal Code of 2012,  
18          where the use of alcohol or other drugs is recited as an  
19          element of the offense, or a similar out-of-state offense,  
20          or a combination of these offenses, arising out of separate  
21          occurrences, that person, if issued a restricted driving  
22          permit, may not operate a vehicle unless it has been  
23          equipped with an ignition interlock device as defined in  
24          Section 1-129.1.

25          (3) If:

26                (A) a person's license or permit is revoked or

1           suspended 2 or more times due to any combination of:

2                   (i) a single conviction of violating Section  
3                   11-501 of this Code or a similar provision of a  
4                   local ordinance or a similar out-of-state offense,  
5                   or Section 9-3 of the Criminal Code of 1961 or the  
6                   Criminal Code of 2012, where the use of alcohol or  
7                   other drugs is recited as an element of the  
8                   offense, or a similar out-of-state offense; or

9                   (ii) a statutory summary suspension or  
10                  revocation under Section 11-501.1; or

11                  (iii) a suspension pursuant to Section  
12                  6-203.1;

13           arising out of separate occurrences; or

14                   (B) a person has been convicted of one violation of  
15                   subparagraph (C) or (F) of paragraph (1) of subsection  
16                   (d) of Section 11-501 of this Code, Section 9-3 of the  
17                   Criminal Code of 1961 or the Criminal Code of 2012,  
18                   relating to the offense of reckless homicide where the  
19                   use of alcohol or other drugs was recited as an element  
20                   of the offense, or a similar provision of a law of  
21                   another state;

22           that person, if issued a restricted driving permit, may not  
23           operate a vehicle unless it has been equipped with an  
24           ignition interlock device as defined in Section 1-129.1.

25                   (4) The person issued a permit conditioned on the use  
26                   of an ignition interlock device must pay to the Secretary

1 of State DUI Administration Fund an amount not to exceed  
2 \$30 per month. The Secretary shall establish by rule the  
3 amount and the procedures, terms, and conditions relating  
4 to these fees.

5 (5) If the restricted driving permit is issued for  
6 employment purposes, then the prohibition against  
7 operating a motor vehicle that is not equipped with an  
8 ignition interlock device does not apply to the operation  
9 of an occupational vehicle owned or leased by that person's  
10 employer when used solely for employment purposes. For any  
11 person who, within a 5-year period, is convicted of a  
12 second or subsequent offense under Section 11-501 of this  
13 Code, or a similar provision of a local ordinance or  
14 similar out-of-state offense, this employment exemption  
15 does not apply until either a one-year ~~one-year~~ period has  
16 elapsed during which that person had his or her driving  
17 privileges revoked or a one-year ~~one-year~~ period has  
18 elapsed during which that person had a restricted driving  
19 permit which required the use of an ignition interlock  
20 device on every motor vehicle owned or operated by that  
21 person.

22 (6) In each case the Secretary of State may issue a  
23 restricted driving permit for a period he deems  
24 appropriate, except that the permit shall expire within one  
25 year from the date of issuance. A restricted driving permit  
26 issued under this Section shall be subject to cancellation,

1 revocation, and suspension by the Secretary of State in  
2 like manner and for like cause as a driver's license issued  
3 under this Code may be cancelled, revoked, or suspended;  
4 except that a conviction upon one or more offenses against  
5 laws or ordinances regulating the movement of traffic shall  
6 be deemed sufficient cause for the revocation, suspension,  
7 or cancellation of a restricted driving permit. The  
8 Secretary of State shall ~~may~~, as a condition to the  
9 issuance of a restricted driving permit, require the  
10 petitioner to participate in a behavioral-based driver  
11 retraining program ~~designated driver remedial or~~  
12 ~~rehabilitative program. The Secretary of State is~~  
13 ~~authorized to cancel a restricted driving permit if the~~  
14 ~~permit holder does not successfully complete the program.~~  
15 However, if an individual's driving privileges have been  
16 revoked in accordance with paragraph 13 of subsection (a)  
17 of this Section, no restricted driving permit shall be  
18 issued until the individual has served 6 months of the  
19 revocation period.

20 (c-5) (Blank).

21 (c-6) If a person is convicted of a second violation of  
22 operating a motor vehicle while the person's driver's license,  
23 permit or privilege was revoked, where the revocation was for a  
24 violation of Section 9-3 of the Criminal Code of 1961 or the  
25 Criminal Code of 2012 relating to the offense of reckless  
26 homicide or a similar out-of-state offense, the person's

1 driving privileges shall be revoked pursuant to subdivision  
2 (a) (15) of this Section. The person may not make application  
3 for a license or permit until the expiration of five years from  
4 the effective date of the revocation or the expiration of five  
5 years from the date of release from a term of imprisonment,  
6 whichever is later.

7 (c-7) If a person is convicted of a third or subsequent  
8 violation of operating a motor vehicle while the person's  
9 driver's license, permit or privilege was revoked, where the  
10 revocation was for a violation of Section 9-3 of the Criminal  
11 Code of 1961 or the Criminal Code of 2012 relating to the  
12 offense of reckless homicide or a similar out-of-state offense,  
13 the person may never apply for a license or permit.

14 (d) (1) Whenever a person under the age of 21 is convicted  
15 under Section 11-501 of this Code or a similar provision of a  
16 local ordinance or a similar out-of-state offense, the  
17 Secretary of State shall revoke the driving privileges of that  
18 person. One year after the date of revocation, and upon  
19 application, the Secretary of State may, if satisfied that the  
20 person applying will not endanger the public safety or welfare,  
21 issue a restricted driving permit granting the privilege of  
22 driving a motor vehicle only between the hours of 5 a.m. and 9  
23 p.m. or as otherwise provided by this Section for a period of  
24 one year. After this one-year ~~one-year~~ period, and upon  
25 reapplication for a license as provided in Section 6-106, upon  
26 payment of the appropriate reinstatement fee provided under

1 paragraph (b) of Section 6-118, the Secretary of State, in his  
2 discretion, may reinstate the petitioner's driver's license  
3 and driving privileges, or extend the restricted driving permit  
4 as many times as the Secretary of State deems appropriate, by  
5 additional periods of not more than 12 months each.

6 (2) If a person's license or permit is revoked or  
7 suspended due to 2 or more convictions of violating Section  
8 11-501 of this Code or a similar provision of a local  
9 ordinance or a similar out-of-state offense, or Section 9-3  
10 of the Criminal Code of 1961 or the Criminal Code of 2012,  
11 where the use of alcohol or other drugs is recited as an  
12 element of the offense, or a similar out-of-state offense,  
13 or a combination of these offenses, arising out of separate  
14 occurrences, that person, if issued a restricted driving  
15 permit, may not operate a vehicle unless it has been  
16 equipped with an ignition interlock device as defined in  
17 Section 1-129.1.

18 (3) If a person's license or permit is revoked or  
19 suspended 2 or more times due to any combination of:

20 (A) a single conviction of violating Section  
21 11-501 of this Code or a similar provision of a local  
22 ordinance or a similar out-of-state offense, or  
23 Section 9-3 of the Criminal Code of 1961 or the  
24 Criminal Code of 2012, where the use of alcohol or  
25 other drugs is recited as an element of the offense, or  
26 a similar out-of-state offense; or

1 (B) a statutory summary suspension or revocation  
2 under Section 11-501.1; or

3 (C) a suspension pursuant to Section 6-203.1;  
4 arising out of separate occurrences, that person, if issued  
5 a restricted driving permit, may not operate a vehicle  
6 unless it has been equipped with an ignition interlock  
7 device as defined in Section 1-129.1.

8 (3.5) If a person's license or permit is revoked or  
9 suspended due to a conviction for a violation of  
10 subparagraph (C) or (F) of paragraph (1) of subsection (d)  
11 of Section 11-501 of this Code, or a similar provision of a  
12 local ordinance or similar out-of-state offense, that  
13 person, if issued a restricted driving permit, may not  
14 operate a vehicle unless it has been equipped with an  
15 ignition interlock device as defined in Section 1-129.1.

16 (4) The person issued a permit conditioned upon the use  
17 of an interlock device must pay to the Secretary of State  
18 DUI Administration Fund an amount not to exceed \$30 per  
19 month. The Secretary shall establish by rule the amount and  
20 the procedures, terms, and conditions relating to these  
21 fees.

22 (5) If the restricted driving permit is issued for  
23 employment purposes, then the prohibition against driving  
24 a vehicle that is not equipped with an ignition interlock  
25 device does not apply to the operation of an occupational  
26 vehicle owned or leased by that person's employer when used

1 solely for employment purposes. For any person who, within  
2 a 5-year period, is convicted of a second or subsequent  
3 offense under Section 11-501 of this Code, or a similar  
4 provision of a local ordinance or similar out-of-state  
5 offense, this employment exemption does not apply until  
6 either a one-year ~~one-year~~ period has elapsed during which  
7 that person had his or her driving privileges revoked or a  
8 one-year ~~one-year~~ period has elapsed during which that  
9 person had a restricted driving permit which required the  
10 use of an ignition interlock device on every motor vehicle  
11 owned or operated by that person.

12 (6) A restricted driving permit issued under this  
13 Section shall be subject to cancellation, revocation, and  
14 suspension by the Secretary of State in like manner and for  
15 like cause as a driver's license issued under this Code may  
16 be cancelled, revoked, or suspended; except that a  
17 conviction upon one or more offenses against laws or  
18 ordinances regulating the movement of traffic shall be  
19 deemed sufficient cause for the revocation, suspension, or  
20 cancellation of a restricted driving permit.

21 (d-5) The revocation of the license, permit, or driving  
22 privileges of a person convicted of a third or subsequent  
23 violation of Section 6-303 of this Code committed while his or  
24 her driver's license, permit, or privilege was revoked because  
25 of a violation of Section 9-3 of the Criminal Code of 1961 or  
26 the Criminal Code of 2012, relating to the offense of reckless

1 homicide, or a similar provision of a law of another state, is  
2 permanent. The Secretary may not, at any time, issue a license  
3 or permit to that person.

4 (e) This Section is subject to the provisions of the Driver  
5 License Compact.

6 (f) Any revocation imposed upon any person under  
7 subsections 2 and 3 of paragraph (b) that is in effect on  
8 December 31, 1988 shall be converted to a suspension for a like  
9 period of time.

10 (g) The Secretary of State shall not issue a restricted  
11 driving permit to a person under the age of 16 years whose  
12 driving privileges have been revoked under any provisions of  
13 this Code.

14 (h) The Secretary of State shall require the use of  
15 ignition interlock devices for a period not less than 5 years  
16 on all vehicles owned by a person who has been convicted of a  
17 second or subsequent offense under Section 11-501 of this Code  
18 or a similar provision of a local ordinance. The person must  
19 pay to the Secretary of State DUI Administration Fund an amount  
20 not to exceed \$30 for each month that he or she uses the  
21 device. The Secretary shall establish by rule and regulation  
22 the procedures for certification and use of the interlock  
23 system, the amount of the fee, and the procedures, terms, and  
24 conditions relating to these fees. During the time period in  
25 which a person is required to install an ignition interlock  
26 device under this subsection (h), that person shall only

1 operate vehicles in which ignition interlock devices have been  
2 installed, except as allowed by subdivision (c) (5) or (d) (5) of  
3 this Section.

4 (i) (Blank).

5 (j) In accordance with 49 C.F.R. 384, the Secretary of  
6 State may not issue a restricted driving permit for the  
7 operation of a commercial motor vehicle to a person holding a  
8 CDL whose driving privileges have been revoked, suspended,  
9 cancelled, or disqualified under any provisions of this Code.

10 (k) The Secretary of State shall notify by mail any person  
11 whose driving privileges have been revoked under paragraph 16  
12 of subsection (a) of this Section that his or her driving  
13 privileges and driver's license will be revoked 90 days from  
14 the date of the mailing of the notice.

15 (Source: P.A. 99-143, eff. 7-27-15; 99-289, eff. 8-6-15;  
16 99-290, eff. 1-1-16; 99-296, eff. 1-1-16; 99-297, eff. 1-1-16;  
17 99-467, eff. 1-1-16; 99-483, eff. 1-1-16; revised 11-2-15.)

18 (625 ILCS 5/6-206)

19 Sec. 6-206. Discretionary authority to suspend or revoke  
20 license or permit; Right to a hearing.

21 (a) The Secretary of State is authorized to suspend or  
22 revoke the driving privileges of any person without preliminary  
23 hearing upon a showing of the person's records or other  
24 sufficient evidence that the person:

25 1. Has committed an offense for which mandatory

1 revocation of a driver's license or permit is required upon  
2 conviction;

3 2. Has been convicted of not less than 3 offenses  
4 against traffic regulations governing the movement of  
5 vehicles committed within any 12 month period. No  
6 revocation or suspension shall be entered more than 6  
7 months after the date of last conviction;

8 3. Has been repeatedly involved as a driver in motor  
9 vehicle collisions or has been repeatedly convicted of  
10 offenses against laws and ordinances regulating the  
11 movement of traffic, to a degree that indicates lack of  
12 ability to exercise ordinary and reasonable care in the  
13 safe operation of a motor vehicle or disrespect for the  
14 traffic laws and the safety of other persons upon the  
15 highway;

16 4. Has by the unlawful operation of a motor vehicle  
17 caused or contributed to an accident resulting in injury  
18 requiring immediate professional treatment in a medical  
19 facility or doctor's office to any person, except that any  
20 suspension or revocation imposed by the Secretary of State  
21 under the provisions of this subsection shall start no  
22 later than 6 months after being convicted of violating a  
23 law or ordinance regulating the movement of traffic, which  
24 violation is related to the accident, or shall start not  
25 more than one year after the date of the accident,  
26 whichever date occurs later;

1           5. Has permitted an unlawful or fraudulent use of a  
2 driver's license, identification card, or permit;

3           6. Has been lawfully convicted of an offense or  
4 offenses in another state, including the authorization  
5 contained in Section 6-203.1, which if committed within  
6 this State would be grounds for suspension or revocation;

7           7. Has refused or failed to submit to an examination  
8 provided for by Section 6-207 or has failed to pass the  
9 examination;

10          8. Is ineligible for a driver's license or permit under  
11 the provisions of Section 6-103;

12          9. Has made a false statement or knowingly concealed a  
13 material fact or has used false information or  
14 identification in any application for a license,  
15 identification card, or permit;

16          10. Has possessed, displayed, or attempted to  
17 fraudulently use any license, identification card, or  
18 permit not issued to the person;

19          11. Has operated a motor vehicle upon a highway of this  
20 State when the person's driving privilege or privilege to  
21 obtain a driver's license or permit was revoked or  
22 suspended unless the operation was authorized by a  
23 monitoring device driving permit, judicial driving permit  
24 issued prior to January 1, 2009, probationary license to  
25 drive, or a restricted driving permit issued under this  
26 Code;

1           12. Has submitted to any portion of the application  
2 process for another person or has obtained the services of  
3 another person to submit to any portion of the application  
4 process for the purpose of obtaining a license,  
5 identification card, or permit for some other person;

6           13. Has operated a motor vehicle upon a highway of this  
7 State when the person's driver's license or permit was  
8 invalid under the provisions of Sections 6-107.1 and 6-110;

9           14. Has committed a violation of Section 6-301,  
10 6-301.1, or 6-301.2 of this Code Act, or Section 14, 14A,  
11 or 14B of the Illinois Identification Card Act;

12           15. Has been convicted of violating Section 21-2 of the  
13 Criminal Code of 1961 or the Criminal Code of 2012 relating  
14 to criminal trespass to vehicles in which case, the  
15 suspension shall be for one year;

16           16. Has been convicted of violating Section 11-204 of  
17 this Code relating to fleeing from a peace officer;

18           17. Has refused to submit to a test, or tests, as  
19 required under Section 11-501.1 of this Code and the person  
20 has not sought a hearing as provided for in Section  
21 11-501.1;

22           18. Has, since issuance of a driver's license or  
23 permit, been adjudged to be afflicted with or suffering  
24 from any mental disability or disease;

25           19. Has committed a violation of paragraph (a) or (b)  
26 of Section 6-101 relating to driving without a driver's

1 license;

2 20. Has been convicted of violating Section 6-104  
3 relating to classification of driver's license;

4 21. Has been convicted of violating Section 11-402 of  
5 this Code relating to leaving the scene of an accident  
6 resulting in damage to a vehicle in excess of \$1,000, in  
7 which case the suspension shall be for one year;

8 22. Has used a motor vehicle in violating paragraph  
9 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of  
10 the Criminal Code of 1961 or the Criminal Code of 2012  
11 relating to unlawful use of weapons, in which case the  
12 suspension shall be for one year;

13 23. Has, as a driver, been convicted of committing a  
14 violation of paragraph (a) of Section 11-502 of this Code  
15 for a second or subsequent time within one year of a  
16 similar violation;

17 24. Has been convicted by a court-martial or punished  
18 by non-judicial punishment by military authorities of the  
19 United States at a military installation in Illinois or in  
20 another state of or for a traffic related offense that is  
21 the same as or similar to an offense specified under  
22 Section 6-205 or 6-206 of this Code;

23 25. Has permitted any form of identification to be used  
24 by another in the application process in order to obtain or  
25 attempt to obtain a license, identification card, or  
26 permit;

1           26. Has altered or attempted to alter a license or has  
2           possessed an altered license, identification card, or  
3           permit;

4           27. Has violated Section 6-16 of the Liquor Control Act  
5           of 1934;

6           28. Has been convicted for a first time of the illegal  
7           possession, while operating or in actual physical control,  
8           as a driver, of a motor vehicle, of any controlled  
9           substance prohibited under the Illinois Controlled  
10          Substances Act, any cannabis prohibited under the Cannabis  
11          Control Act, or any methamphetamine prohibited under the  
12          Methamphetamine Control and Community Protection Act, in  
13          which case the person's driving privileges shall be  
14          suspended for one year. Any defendant found guilty of this  
15          offense while operating a motor vehicle, shall have an  
16          entry made in the court record by the presiding judge that  
17          this offense did occur while the defendant was operating a  
18          motor vehicle and order the clerk of the court to report  
19          the violation to the Secretary of State;

20          29. Has been convicted of the following offenses that  
21          were committed while the person was operating or in actual  
22          physical control, as a driver, of a motor vehicle: criminal  
23          sexual assault, predatory criminal sexual assault of a  
24          child, aggravated criminal sexual assault, criminal sexual  
25          abuse, aggravated criminal sexual abuse, juvenile pimping,  
26          soliciting for a juvenile prostitute, promoting juvenile

1 prostitution as described in subdivision (a) (1), (a) (2),  
2 or (a) (3) of Section 11-14.4 of the Criminal Code of 1961  
3 or the Criminal Code of 2012, and the manufacture, sale or  
4 delivery of controlled substances or instruments used for  
5 illegal drug use or abuse in which case the driver's  
6 driving privileges shall be suspended for one year;

7 30. Has been convicted a second or subsequent time for  
8 any combination of the offenses named in paragraph 29 of  
9 this subsection, in which case the person's driving  
10 privileges shall be suspended for 5 years;

11 31. Has refused to submit to a test as required by  
12 Section 11-501.6 of this Code or Section 5-16c of the Boat  
13 Registration and Safety Act or has submitted to a test  
14 resulting in an alcohol concentration of 0.08 or more or  
15 any amount of a drug, substance, or compound resulting from  
16 the unlawful use or consumption of cannabis as listed in  
17 the Cannabis Control Act, a controlled substance as listed  
18 in the Illinois Controlled Substances Act, an intoxicating  
19 compound as listed in the Use of Intoxicating Compounds  
20 Act, or methamphetamine as listed in the Methamphetamine  
21 Control and Community Protection Act, in which case the  
22 penalty shall be as prescribed in Section 6-208.1;

23 32. Has been convicted of Section 24-1.2 of the  
24 Criminal Code of 1961 or the Criminal Code of 2012 relating  
25 to the aggravated discharge of a firearm if the offender  
26 was located in a motor vehicle at the time the firearm was

1 discharged, in which case the suspension shall be for 3  
2 years;

3 33. Has as a driver, who was less than 21 years of age  
4 on the date of the offense, been convicted a first time of  
5 a violation of paragraph (a) of Section 11-502 of this Code  
6 or a similar provision of a local ordinance;

7 34. Has committed a violation of Section 11-1301.5 of  
8 this Code or a similar provision of a local ordinance;

9 35. Has committed a violation of Section 11-1301.6 of  
10 this Code or a similar provision of a local ordinance;

11 36. Is under the age of 21 years at the time of arrest  
12 and has been convicted of not less than 2 offenses against  
13 traffic regulations governing the movement of vehicles  
14 committed within any 24 month period. No revocation or  
15 suspension shall be entered more than 6 months after the  
16 date of last conviction;

17 37. Has committed a violation of subsection (c) of  
18 Section 11-907 of this Code that resulted in damage to the  
19 property of another or the death or injury of another;

20 38. Has been convicted of a violation of Section 6-20  
21 of the Liquor Control Act of 1934 or a similar provision of  
22 a local ordinance;

23 39. Has committed a second or subsequent violation of  
24 Section 11-1201 of this Code;

25 40. Has committed a violation of subsection (a-1) of  
26 Section 11-908 of this Code;

1           41. Has committed a second or subsequent violation of  
2 Section 11-605.1 of this Code, a similar provision of a  
3 local ordinance, or a similar violation in any other state  
4 within 2 years of the date of the previous violation, in  
5 which case the suspension shall be for 90 days;

6           42. Has committed a violation of subsection (a-1) of  
7 Section 11-1301.3 of this Code or a similar provision of a  
8 local ordinance;

9           43. Has received a disposition of court supervision for  
10 a violation of subsection (a), (d), or (e) of Section 6-20  
11 of the Liquor Control Act of 1934 or a similar provision of  
12 a local ordinance, in which case the suspension shall be  
13 for a period of 3 months;

14           44. Is under the age of 21 years at the time of arrest  
15 and has been convicted of an offense against traffic  
16 regulations governing the movement of vehicles after  
17 having previously had his or her driving privileges  
18 suspended or revoked pursuant to subparagraph 36 of this  
19 Section;

20           45. Has, in connection with or during the course of a  
21 formal hearing conducted under Section 2-118 of this Code:  
22 (i) committed perjury; (ii) submitted fraudulent or  
23 falsified documents; (iii) submitted documents that have  
24 been materially altered; or (iv) submitted, as his or her  
25 own, documents that were in fact prepared or composed for  
26 another person;

1           46. Has committed a violation of subsection (j) of  
2           Section 3-413 of this Code; or

3           47. Has committed a violation of Section 11-502.1 of  
4           this Code.

5           For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,  
6           and 27 of this subsection, license means any driver's license,  
7           any traffic ticket issued when the person's driver's license is  
8           deposited in lieu of bail, a suspension notice issued by the  
9           Secretary of State, a duplicate or corrected driver's license,  
10          a probationary driver's license or a temporary driver's  
11          license.

12          (b) If any conviction forming the basis of a suspension or  
13          revocation authorized under this Section is appealed, the  
14          Secretary of State may rescind or withhold the entry of the  
15          order of suspension or revocation, as the case may be, provided  
16          that a certified copy of a stay order of a court is filed with  
17          the Secretary of State. If the conviction is affirmed on  
18          appeal, the date of the conviction shall relate back to the  
19          time the original judgment of conviction was entered and the 6  
20          month limitation prescribed shall not apply.

21          (c) 1. Upon suspending or revoking the driver's license or  
22          permit of any person as authorized in this Section, the  
23          Secretary of State shall immediately notify the person in  
24          writing of the revocation or suspension. The notice to be  
25          deposited in the United States mail, postage prepaid, to the  
26          last known address of the person.

1           2. If the Secretary of State suspends the driver's license  
2 of a person under subsection 2 of paragraph (a) of this  
3 Section, a person's privilege to operate a vehicle as an  
4 occupation shall not be suspended, provided an affidavit is  
5 properly completed, the appropriate fee received, and a permit  
6 issued prior to the effective date of the suspension, unless 5  
7 offenses were committed, at least 2 of which occurred while  
8 operating a commercial vehicle in connection with the driver's  
9 regular occupation. All other driving privileges shall be  
10 suspended by the Secretary of State. Any driver prior to  
11 operating a vehicle for occupational purposes only must submit  
12 the affidavit on forms to be provided by the Secretary of State  
13 setting forth the facts of the person's occupation. The  
14 affidavit shall also state the number of offenses committed  
15 while operating a vehicle in connection with the driver's  
16 regular occupation. The affidavit shall be accompanied by the  
17 driver's license. Upon receipt of a properly completed  
18 affidavit, the Secretary of State shall issue the driver a  
19 permit to operate a vehicle in connection with the driver's  
20 regular occupation only. Unless the permit is issued by the  
21 Secretary of State prior to the date of suspension, the  
22 privilege to drive any motor vehicle shall be suspended as set  
23 forth in the notice that was mailed under this Section. If an  
24 affidavit is received subsequent to the effective date of this  
25 suspension, a permit may be issued for the remainder of the  
26 suspension period.

1           The provisions of this subparagraph shall not apply to any  
2 driver required to possess a CDL for the purpose of operating a  
3 commercial motor vehicle.

4           Any person who falsely states any fact in the affidavit  
5 required herein shall be guilty of perjury under Section 6-302  
6 and upon conviction thereof shall have all driving privileges  
7 revoked without further rights.

8           3. At the conclusion of a hearing under Section 2-118 of  
9 this Code, the Secretary of State shall either rescind or  
10 continue an order of revocation or shall substitute an order of  
11 suspension; or, good cause appearing therefor, rescind,  
12 continue, change, or extend the order of suspension. If the  
13 Secretary of State does not rescind the order, the Secretary  
14 may upon application, to relieve undue hardship (as defined by  
15 the rules of the Secretary of State), issue a restricted  
16 driving permit granting the privilege of driving a motor  
17 vehicle between the petitioner's residence and petitioner's  
18 place of employment or within the scope of the petitioner's  
19 employment related duties, or to allow the petitioner to  
20 transport himself or herself, or a family member of the  
21 petitioner's household to a medical facility, to receive  
22 necessary medical care, to allow the petitioner to transport  
23 himself or herself to and from alcohol or drug remedial or  
24 rehabilitative activity recommended by a licensed service  
25 provider, or to allow the petitioner to transport himself or  
26 herself or a family member of the petitioner's household to

1 classes, as a student, at an accredited educational  
2 institution, or to allow the petitioner to transport children,  
3 elderly persons, or persons with disabilities who do not hold  
4 driving privileges and are living in the petitioner's household  
5 to and from daycare. The petitioner must demonstrate that no  
6 alternative means of transportation is reasonably available  
7 and that the petitioner will not endanger the public safety or  
8 welfare.

9 (A) If a person's license or permit is revoked or  
10 suspended due to 2 or more convictions of violating Section  
11 11-501 of this Code or a similar provision of a local  
12 ordinance or a similar out-of-state offense, or Section 9-3  
13 of the Criminal Code of 1961 or the Criminal Code of 2012,  
14 where the use of alcohol or other drugs is recited as an  
15 element of the offense, or a similar out-of-state offense,  
16 or a combination of these offenses, arising out of separate  
17 occurrences, that person, if issued a restricted driving  
18 permit, may not operate a vehicle unless it has been  
19 equipped with an ignition interlock device as defined in  
20 Section 1-129.1.

21 (B) If a person's license or permit is revoked or  
22 suspended 2 or more times due to any combination of:

23 (i) a single conviction of violating Section  
24 11-501 of this Code or a similar provision of a local  
25 ordinance or a similar out-of-state offense or Section  
26 9-3 of the Criminal Code of 1961 or the Criminal Code

1 of 2012, where the use of alcohol or other drugs is  
2 recited as an element of the offense, or a similar  
3 out-of-state offense; or

4 (ii) a statutory summary suspension or revocation  
5 under Section 11-501.1; or

6 (iii) a suspension under Section 6-203.1;  
7 arising out of separate occurrences; that person, if issued  
8 a restricted driving permit, may not operate a vehicle  
9 unless it has been equipped with an ignition interlock  
10 device as defined in Section 1-129.1.

11 (B-5) If a person's license or permit is revoked or  
12 suspended due to a conviction for a violation of  
13 subparagraph (C) or (F) of paragraph (1) of subsection (d)  
14 of Section 11-501 of this Code, or a similar provision of a  
15 local ordinance or similar out-of-state offense, that  
16 person, if issued a restricted driving permit, may not  
17 operate a vehicle unless it has been equipped with an  
18 ignition interlock device as defined in Section 1-129.1.

19 (C) The person issued a permit conditioned upon the use  
20 of an ignition interlock device must pay to the Secretary  
21 of State DUI Administration Fund an amount not to exceed  
22 \$30 per month. The Secretary shall establish by rule the  
23 amount and the procedures, terms, and conditions relating  
24 to these fees.

25 (D) If the restricted driving permit is issued for  
26 employment purposes, then the prohibition against

1 operating a motor vehicle that is not equipped with an  
2 ignition interlock device does not apply to the operation  
3 of an occupational vehicle owned or leased by that person's  
4 employer when used solely for employment purposes. For any  
5 person who, within a 5-year period, is convicted of a  
6 second or subsequent offense under Section 11-501 of this  
7 Code, or a similar provision of a local ordinance or  
8 similar out-of-state offense, this employment exemption  
9 does not apply until either a one-year ~~one-year~~ period has  
10 elapsed during which that person had his or her driving  
11 privileges revoked or a one-year ~~one-year~~ period has  
12 elapsed during which that person had a restricted driving  
13 permit which required the use of an ignition interlock  
14 device on every motor vehicle owned or operated by that  
15 person.

16 (E) In each case the Secretary may issue a restricted  
17 driving permit for a period deemed appropriate, except that  
18 all permits shall expire within one year from the date of  
19 issuance. A restricted driving permit issued under this  
20 Section shall be subject to cancellation, revocation, and  
21 suspension by the Secretary of State in like manner and for  
22 like cause as a driver's license issued under this Code may  
23 be cancelled, revoked, or suspended; except that a  
24 conviction upon one or more offenses against laws or  
25 ordinances regulating the movement of traffic shall be  
26 deemed sufficient cause for the revocation, suspension, or

1 cancellation of a restricted driving permit. The Secretary  
2 of State may, as a condition to the issuance of a  
3 restricted driving permit, require the applicant to  
4 participate in a designated driver remedial or  
5 rehabilitative program. The Secretary of State is  
6 authorized to cancel a restricted driving permit if the  
7 permit holder does not successfully complete the program.

8 (F) A person subject to the provisions of paragraph 4  
9 of subsection (b) of Section 6-208 of this Code may make  
10 application for a restricted driving permit at a hearing  
11 conducted under Section 2-118 of this Code after the  
12 expiration of 5 years from the effective date of the most  
13 recent revocation or after 5 years from the date of release  
14 from a period of imprisonment resulting from a conviction  
15 of the most recent offense, whichever is later, provided  
16 the person, in addition to all other requirements of the  
17 Secretary, shows by clear and convincing evidence:

18 (i) a minimum of 3 years of uninterrupted  
19 abstinence from alcohol and the unlawful use or  
20 consumption of cannabis under the Cannabis Control  
21 Act, a controlled substance under the Illinois  
22 Controlled Substances Act, an intoxicating compound  
23 under the Use of Intoxicating Compounds Act, or  
24 methamphetamine under the Methamphetamine Control and  
25 Community Protection Act; and

26 (ii) the successful completion of any

1           rehabilitative treatment and involvement in any  
2           ongoing rehabilitative activity that may be  
3           recommended by a properly licensed service provider  
4           according to an assessment of the person's alcohol or  
5           drug use under Section 11-501.01 of this Code.

6           In determining whether an applicant is eligible for a  
7           restricted driving permit under this subparagraph (F), the  
8           Secretary may consider any relevant evidence, including,  
9           but not limited to, testimony, affidavits, records, and the  
10          results of regular alcohol or drug tests. Persons subject  
11          to the provisions of paragraph 4 of subsection (b) of  
12          Section 6-208 of this Code and who have been convicted of  
13          more than one violation of paragraph (3), paragraph (4), or  
14          paragraph (5) of subsection (a) of Section 11-501 of this  
15          Code shall not be eligible to apply for a restricted  
16          driving permit under this subparagraph (F).

17          A restricted driving permit issued under this  
18          subparagraph (F) shall provide that the holder may only  
19          operate motor vehicles equipped with an ignition interlock  
20          device as required under paragraph (2) of subsection (c) of  
21          Section 6-205 of this Code and subparagraph (A) of  
22          paragraph 3 of subsection (c) of this Section. The  
23          Secretary may revoke a restricted driving permit or amend  
24          the conditions of a restricted driving permit issued under  
25          this subparagraph (F) if the holder operates a vehicle that  
26          is not equipped with an ignition interlock device, or for

1 any other reason authorized under this Code.

2 A restricted driving permit issued under this  
3 subparagraph (F) shall be revoked, and the holder barred  
4 from applying for or being issued a restricted driving  
5 permit in the future, if the holder is convicted of a  
6 violation of Section 11-501 of this Code, a similar  
7 provision of a local ordinance, or a similar offense in  
8 another state.

9 (c-3) In the case of a suspension under paragraph 43 of  
10 subsection (a), reports received by the Secretary of State  
11 under this Section shall, except during the actual time the  
12 suspension is in effect, be privileged information and for use  
13 only by the courts, police officers, prosecuting authorities,  
14 the driver licensing administrator of any other state, the  
15 Secretary of State, or the parent or legal guardian of a driver  
16 under the age of 18. However, beginning January 1, 2008, if the  
17 person is a CDL holder, the suspension shall also be made  
18 available to the driver licensing administrator of any other  
19 state, the U.S. Department of Transportation, and the affected  
20 driver or motor carrier or prospective motor carrier upon  
21 request.

22 (c-4) In the case of a suspension under paragraph 43 of  
23 subsection (a), the Secretary of State shall notify the person  
24 by mail that his or her driving privileges and driver's license  
25 will be suspended one month after the date of the mailing of  
26 the notice.

1 (c-5) The Secretary of State may, as a condition of the  
2 reissuance of a driver's license or permit to an applicant  
3 whose driver's license or permit has been suspended before he  
4 or she reached the age of 21 years pursuant to any of the  
5 provisions of this Section, require the applicant to  
6 participate in a driver remedial education course and be  
7 retested under Section 6-109 of this Code.

8 (c-10) The Secretary shall, upon providing notice of  
9 suspension of a person's driver's license under this Section,  
10 provide notice of an option of enrollment in a behavioral-based  
11 driver retraining program, which, upon the person completing  
12 the program within 45 days and upon committing no offense under  
13 this Section for a period of 6 months, shall result in  
14 termination of the license suspension. After completion of the  
15 program, the course provider shall report the completion to the  
16 Secretary and submit any documentation the Secretary deems  
17 necessary. This subsection (c-10) shall not apply to  
18 suspensions as a result of a violation of Section 11-501 of  
19 this Code or a similar provision of a local ordinance or any  
20 similar out-of-state offense, Section 9-3 of the Criminal Code  
21 of 2012, or any other Section or subsection in which the use of  
22 alcohol or other drugs is an element of the offense.

23 (d) This Section is subject to the provisions of the  
24 Drivers License Compact.

25 (e) The Secretary of State shall not issue a restricted  
26 driving permit to a person under the age of 16 years whose

1 driving privileges have been suspended or revoked under any  
2 provisions of this Code.

3 (f) In accordance with 49 C.F.R. 384, the Secretary of  
4 State may not issue a restricted driving permit for the  
5 operation of a commercial motor vehicle to a person holding a  
6 CDL whose driving privileges have been suspended, revoked,  
7 cancelled, or disqualified under any provisions of this Code.

8 (Source: P.A. 98-103, eff. 1-1-14; 98-122, eff. 1-1-14; 98-726,  
9 eff. 1-1-15; 98-756, eff. 7-16-14; 99-143, eff. 7-27-15;  
10 99-290, eff. 1-1-16; 99-467, eff. 1-1-16; 99-483, eff. 1-1-16;  
11 revised 11-3-15.)

12 (625 ILCS 5/6-208) (from Ch. 95 1/2, par. 6-208)

13 Sec. 6-208. Period of Suspension - Application After  
14 Revocation.

15 (a) Except as otherwise provided by this Code or any other  
16 law of this State, the Secretary of State shall not suspend a  
17 driver's license, permit, or privilege to drive a motor vehicle  
18 on the highways for a period of more than one year.

19 (b) Any person whose license, permit, or privilege to drive  
20 a motor vehicle on the highways has been revoked shall not be  
21 entitled to have such license, permit, or privilege renewed or  
22 restored. However, such person may, except as provided under  
23 subsections (d) and (d-5) of Section 6-205, make application  
24 for a license pursuant to Section 6-106 (i) if the revocation  
25 was for a cause that has been removed or (ii) as provided in

1 the following subparagraphs:

2 1. Except as provided in subparagraphs 1.3, 1.5, 2, 3,  
3 4, and 5, the person may make application for a license (A)  
4 after the expiration of one year from the effective date of  
5 the revocation, (B) in the case of a violation of paragraph  
6 (b) of Section 11-401 of this Code or a similar provision  
7 of a local ordinance, after the expiration of 3 years from  
8 the effective date of the revocation, or (C) in the case of  
9 a violation of Section 9-3 of the Criminal Code of 1961 or  
10 the Criminal Code of 2012 or a similar provision of a law  
11 of another state relating to the offense of reckless  
12 homicide or a violation of subparagraph (F) of paragraph 1  
13 of subsection (d) of Section 11-501 of this Code relating  
14 to aggravated driving under the influence of alcohol, other  
15 drug or drugs, intoxicating compound or compounds, or any  
16 combination thereof, if the violation was the proximate  
17 cause of a death, after the expiration of 2 years from the  
18 effective date of the revocation or after the expiration of  
19 24 months from the date of release from a period of  
20 imprisonment as provided in Section 6-103 of this Code,  
21 whichever is later.

22 1.3. If the person is convicted of a second or  
23 subsequent violation of Section 11-501 of this Code or a  
24 similar provision of a local ordinance or a similar  
25 out-of-state offense, or Section 9-3 of the Criminal Code  
26 of 1961 or the Criminal Code of 2012, in which the use of

1 alcohol or other drugs is recited as an element of the  
2 offense, or a similar out-of-state offense, or a  
3 combination of these offenses, arising out of separate  
4 occurrences, that person may not make application for a  
5 driver's license until:

6 (A) the person has first been issued a restricted  
7 driving permit by the Secretary of State; and

8 (B) the expiration of a continuous period of not  
9 less than 5 years following the issuance of the  
10 restricted driving permit during which the person's  
11 restricted driving permit is not suspended, cancelled,  
12 or revoked for a violation of any provision of law, or  
13 any rule or regulation of the Secretary of State  
14 relating to the required use of an ignition interlock  
15 device.

16 1.5. If the person is convicted of a violation of  
17 Section 6-303 of this Code committed while his or her  
18 driver's license, permit, or privilege was revoked because  
19 of a violation of Section 9-3 of the Criminal Code of 1961  
20 or the Criminal Code of 2012, relating to the offense of  
21 reckless homicide, or a similar provision of a law of  
22 another state, the person may not make application for a  
23 license or permit until the expiration of 3 years from the  
24 date of the conviction.

25 2. If such person is convicted of committing a second  
26 violation within a 20-year period of:

1 (A) Section 11-501 of this Code or a similar  
2 provision of a local ordinance;

3 (B) Paragraph (b) of Section 11-401 of this Code or  
4 a similar provision of a local ordinance;

5 (C) Section 9-3 of the Criminal Code of 1961 or the  
6 Criminal Code of 2012, relating to the offense of  
7 reckless homicide; or

8 (D) any combination of the above offenses  
9 committed at different instances;

10 then such person may not make application for a license  
11 until after the expiration of 5 years from the effective  
12 date of the most recent revocation. The 20-year period  
13 shall be computed by using the dates the offenses were  
14 committed and shall also include similar out-of-state  
15 offenses and similar offenses committed on a military  
16 installation.

17 2.5. If a person is convicted of a second violation of  
18 Section 6-303 of this Code committed while the person's  
19 driver's license, permit, or privilege was revoked because  
20 of a violation of Section 9-3 of the Criminal Code of 1961  
21 or the Criminal Code of 2012, relating to the offense of  
22 reckless homicide, or a similar provision of a law of  
23 another state, the person may not make application for a  
24 license or permit until the expiration of 5 years from the  
25 date of release from a term of imprisonment.

26 3. However, except as provided in subparagraph 4, if

1 such person is convicted of committing a third violation or  
2 any combination of the above offenses, including similar  
3 out-of-state offenses and similar offenses committed on a  
4 military installation, contained in subparagraph 2, then  
5 such person may not make application for a license until  
6 after the expiration of 10 years from the effective date of  
7 the most recent revocation.

8 4. Except as provided in paragraph (1.5) of subsection  
9 (c) of Section 6-205 and subparagraph (F) of paragraph 3 of  
10 subsection (c) of Section 6-206 of this Code, the person  
11 may not make application for a license if the person is  
12 convicted of committing a fourth or subsequent violation of  
13 Section 11-501 of this Code or a similar provision of a  
14 local ordinance, Section 11-401 of this Code, Section 9-3  
15 of the Criminal Code of 1961 or the Criminal Code of 2012,  
16 or a combination of these offenses, similar provisions of  
17 local ordinances, similar out-of-state offenses, or  
18 similar offenses committed on a military installation.

19 4.5. A bona fide resident of a foreign jurisdiction who  
20 is subject to the provisions of subparagraph 4 of this  
21 subsection (b) may make application for termination of the  
22 revocation after a period of 10 years from the effective  
23 date of the most recent revocation. However, if a person  
24 who has been granted a termination of revocation under this  
25 subparagraph 4.5 subsequently becomes a resident of this  
26 State, the revocation shall be reinstated and the person

1 shall be subject to the provisions of subparagraph 4.

2 5. The person may not make application for a license or  
3 permit if the person is convicted of a third or subsequent  
4 violation of Section 6-303 of this Code committed while his  
5 or her driver's license, permit, or privilege was revoked  
6 because of a violation of Section 9-3 of the Criminal Code  
7 of 1961 or the Criminal Code of 2012, relating to the  
8 offense of reckless homicide, or a similar provision of a  
9 law of another state.

10 Notwithstanding any other provision of this Code, all  
11 persons referred to in this paragraph (b) may not have their  
12 privileges restored until the Secretary receives payment of the  
13 required reinstatement fee pursuant to subsection (b) of  
14 Section 6-118.

15 The Secretary shall, as a condition of reissuance of a  
16 revoked driver's license, require the person to participate in  
17 a behavioral-based driver retraining program. This condition  
18 shall not apply to a revocation resulting from a violation of  
19 Section 11-501 of this Code or a similar provision of a local  
20 ordinance or any similar out-of-state offense, or Section 9-3  
21 of the Criminal Code of 2012, or any other Section or  
22 subsection in which the use of alcohol or other drugs is an  
23 element of the offense.

24 In no event shall the Secretary issue such license unless  
25 and until such person has had a hearing pursuant to this Code  
26 and the appropriate administrative rules and the Secretary is

1 satisfied, after a review or investigation of such person, that  
2 to grant the privilege of driving a motor vehicle on the  
3 highways will not endanger the public safety or welfare.

4 (c) (Blank).

5 (Source: P.A. 99-290, eff. 1-1-16; 99-296, eff. 1-1-16; revised  
6 11-3-15.)".